

## **ARTICLE 3. TRAINING, PERSONNEL, AND MANAGEMENT**

### **Section 1320. Appointment and Qualifications.**

#### **(a) Appointment**

**In each juvenile facility there shall be a superintendent, director or facility manager in charge of its program and employees. Such superintendent, director, facility manager and other employees of the facility shall be appointed by the facility administrator pursuant to applicable provisions of law.**

#### **(b) Qualifications**

**Each facility shall:**

- (1) recruit and hire employees who possess knowledge, skills and abilities appropriate to their job classification and duties in accordance with applicable civil service or merit system rules;**
- (2) require a medical evaluation and physical examination including tuberculosis screening test and evaluation for immunity to contagious illnesses of childhood (i.e., diphtheria, rubeola, rubella, and mumps);**
- (3) conduct a criminal records review on each new employee; and,**
- (4) require a psychological examination, pursuant to Section 1031 of the Government Code.**

**Guideline:** This section requires that each juvenile facility have a superintendent, director or facility manager. All staff must be appointed by the rules of civil service, merit system or applicable provisions of law.

**Government Code Section 1031** is the applicable statute for a public or peace officer employee in this regulation. The Government Code requires a background investigation and an emotional and mental examination. The peace officer training requirements of **Penal Code Section 832** must be successfully completed before an employee can exercise of any peace officer powers. There is no provision to waive any of these requirements on the basis of the employee being "on-call" or "part-time" staff.

These investigations and examinations are critical when hiring staff that will be supervising minors in a juvenile facility. Child supervision staff interacting with and counseling minors should be carefully screened to determine that they have the background, skills, knowledge and abilities appropriate to their job classification and assignment. A psychological examination and a criminal record check on each new employee offers a degree of protection to minors, other staff and the facility in the event of a litigation.

### **Section 1321. Staffing.**

**Each juvenile facility shall:**

- (a) have an adequate number of personnel sufficient to carry out its program;**

- (b) have a sufficient number of supervisory level staff to ensure adequate supervision of all staff members;**
- (c) assign sufficient child supervision staff to provide continuous wide awake supervision of minors, subject to temporary variations in staff assignments to meet special program needs. Staffing shall be in compliance with a minimum child-staff ratio for the following facility types:**
  - (1) Juvenile halls and special purpose juvenile halls**
    - (A) during the hours that minors are awake, one wide-awake child supervision staff member on duty for each 10 minors in detention;**
    - (B) during the hours that minors are asleep, one wide-awake child supervision staff member on duty for each 30 minors in detention;**
    - (C) at least two wide-awake child supervision staff members on duty at all times, regardless of the number of minors in detention, unless an arrangement has been made for backup support services which allow for immediate response to emergencies; and,**
    - (D) at least one male and one female child supervision staff member on duty whenever both male and female minors are housed in the facility.**
  - (2) Camps**
    - (A) during the hours that minors are awake, one wide-awake child supervision staff member on duty for each 15 minors in the camp population;**
    - (B) during the hours that minors are asleep, one wide-awake child supervision staff member on duty for each 30 minors present in the facility;**
    - (C) at least two wide-awake child supervision staff members on duty at all times, regardless of the number of minors in residence, unless arrangements have been made for backup support services which allow for immediate response to emergencies;**
    - (D) at least one male and one female child supervision staff member on duty whenever both male and female minors are housed in the facility;**
    - (E) in addition to the minimum staff to child ratio required in (c)(2)(A), consideration shall be given to the size, design, and location of the camp; types of offenders committed to the camp; and the function of the camp in determining the level of supervision necessary to maintain the safety and welfare of minors and staff;**
    - (F) personnel with primary responsibility for other duties such as administration, supervision of personnel, academic or trade instruction, clerical, farm, forestry, kitchen or maintenance shall not be classified as child supervision staff positions; and,**
- (a) have sufficient food service personnel relative to the number and security of living units, including staff qualified and available to: plan menus meeting nutritional requirements of the sex and age groups fed; provide kitchen supervision; direct food preparation and servings; conduct related training programs for culinary staff; and**

**maintain necessary records; or, a facility may serve food that meets nutritional standards prepared by an outside source; and,**

- (b) have sufficient administrative, clerical, recreational, medical, dental, mental health, building maintenance and other support staff for the efficient management of the facility, and to ensure that child supervision staff shall not be diverted from supervising minors.**

**Guideline:** Section 1321 requires an adequate number of personnel to carry out programs, together with a sufficient number of supervisory staff. Separate staff ratios are required in juvenile halls and camps. Although the standard does not include a relief factor, departments should compute and add a relief factor to ensure that the necessary number of qualified staff are budgeted and hired.

Juvenile halls are staffed on a shift ratio of one wide-awake child supervision staff member on duty for each ten minors in detention during the hours that minors are awake. There must be at least one wide-awake child supervision staff member on duty for each 30 minors detained during the hours that minors are sleeping.

Camps are staffed on a shift ratio of one wide-awake child supervision staff member on duty for each 15 minors in detention during the hours that minors are awake. There must be at least one wide-awake child supervision staff member on duty for each 30 minors detained during the hours minors are sleeping.

When calculating staff/child ratios contained in this regulation, supervisory staff may be included as child supervision staff when their primary duty is the supervision of minors. This situation is typically found in small juvenile facilities with small populations. In those instances, in excess of 50 percent of their time is typically spent actually supervising minors.

The regulation addresses cross gender supervision and searches. Pat down searches, strip searches, and privacy of minors are important considerations when designing a staffing plan. There must be at least one male and one female child supervision staff member on duty whenever both male and female minors are housed in the facility.

## **Section 1322. Child Supervision Staff Training.**

**Each child supervision staff member shall be properly oriented to his/her duties, including:**

- (a) child supervision duties;**
- (b) the scope of decisions he/she shall make;**
- (c) the identity of his/her supervisor;**
- (d) the identity of persons who are responsible to him/her; and,**

(e) persons to contact for decisions that are beyond his or her responsibility.

**In addition to the requirements set forth in Sections 6035 and 830 et seq. of the Penal Code and Sections 1029 et seq. of the Government Code, all child supervision staff shall receive at least 40 hours of training before assuming responsibility for the supervision of minors.**

**Guideline:** Training and personnel related regulations are based on the premise that a facility cannot operate properly without trained staff. Careful screening, hiring and adequate training of all personnel who work in juvenile facilities are critical. Hiring unqualified staff and the failure to provide appropriate training increases the potential for litigation. It may not be possible to avoid lawsuits, but the department is more likely to avoid adverse decisions by making every reasonable effort to screen applicants, hire only qualified staff, and appropriately train them for the work. It is important that each of these steps is well documented.

The workgroup that developed this regulation recommended that, at a minimum, the initial 40 hours of training include the following topics:

1. individual and group supervision techniques;
2. regulations and policies relating to discipline and basic rights of minors pursuant to law and the provisions of this chapter;
3. health, sanitation and safety measures including first aid, elementary cardiopulmonary resuscitation (CPR) and suicide prevention;
4. when, how, what kind, and under what conditions use of force and mechanical and chemical restraints are used;
5. procedures to follow in the event of emergencies such as escapes, riots, bomb threats, homicides, suicide attempts, emotional crisis, and other incidents involving violence or potential violence;
6. procedures to follow and practice of routines in the event of emergencies such as fires, earthquakes, floods and other natural disasters;
7. routine security measures;
8. counseling techniques;
9. setting goals for the minor and reviewing their progress in the program;
10. staff development; and,
11. updating the staff on changes relating to policies and procedures, law and basic rights of minors.

Personnel who provide the custody, supervision, treatment, or rehabilitation of persons accused of or adjudged responsible for criminal or delinquent conduct who are under local jurisdiction are required to complete core training (**Penal Code Section 6035, and Title 15, Subdivision 1, Chapter 1, Subchapter 1, Standards and Training of Local Corrections and Probation Officers, Sections 102 and 176**). This includes personnel who work at least one-half time and assume responsibility for supervising minors. Employees have one year from when they were hired to complete the core training noted above. **Penal Code Section 830 et. seq.** requires additional training prior to exercise of peace officer powers.

### **Section 1323. Fire and Life Safety.**

**Whenever there is a minor in a juvenile facility, there shall be at least one person on duty at all times who meets the training standards established by the Board of Corrections for general fire and life safety which relate specifically to the facility.**

**Guideline:** There must be at least one staff member on every shift who is trained in fire and life safety. Although the regulation requires only one member of the staff on duty to be trained, it is recommended that all facility staff be trained in fire and life safety. The training should include the use of self-contained breathing apparatus if required by the local fire authority, or if this equipment is available to staff. Staff should know the location of fire doors, barriers, evacuation procedures and be able to use fire hoses and extinguishers. This should be a part of the first 40 hours training required in **Section 1322, Child Supervision Staff Training**.

The facility manager should consult with the local fire authority for assistance when developing the required training. Core course training modules, discussed in conjunction with **Section 1322, Child Supervision Training**, provide the description, performance objectives and content necessary for handling emergencies such as floods, earthquakes, etc. That training module also covers fire and life safety training. Annual training courses with in-depth fire and life safety curriculum should also be considered. Additionally, the Board of Corrections, in conjunction with the State Fire Marshal, published the documents **Fire and Life Safety in Local Juvenile and Adult Detention Facilities: An Instructor's Manual** and **Regulations and Guidelines for Construction of Detention Facilities**, which address fire and life safety issues. Copies of these documents are available from the Board of Corrections.

### **Section 1324. Policy and Procedures Manual.**

**All facility administrators shall develop, publish, and implement a manual of written policies and procedures that address, at a minimum, all regulations that are applicable to the facility. Such a manual shall be made available to all employees, reviewed by all employees, and shall be administratively reviewed annually, and updated, as necessary. Those records relating to the standards and requirements set forth in these regulations shall be accessible to the Board of Corrections on request.**

**The manual shall include:**

- (a) table of organization, including channels of communications and a description of job classifications;**
- (b) responsibility of the probation department, purpose of programs, relationship to the juvenile court, the Juvenile Justice/Delinquency Prevention Commission or Probation Committee, probation staff, school personnel and other agencies that are involved in juvenile facility programs;**

**(c) responsibilities of all employees;**

**(d) initial orientation and training program for employees;**

**(e) maintenance of record-keeping, statistics and communication system to ensure:**

- (1) efficient operation of the juvenile facility;**
- (2) legal and proper care of minors;**
- (3) maintenance of individual minor's records;**
- (4) supply of information to the juvenile court and those authorized by the court or by the law; and,**
- (5) release of information regarding minors.**

**Guideline:** A current manual outlines management policies and establishes procedures for staff to follow when providing supervision and implementing the facility programs. The manual is the statement of practice and provides accountability because it describes the basic elements for operating the facility. Each policy should describe:

1. what has to be done;
2. who is to do it;
3. when it is to be done;
4. how it is to be done;
5. who supervises whom; and,
6. who is accountable to whom.

The policy and procedure manual establishes accountability and is a training tool. To be useful in those capacities, the manual must accurately reflect management's intent for what happens in the facility. Policies and procedures that are not implemented, and manuals that are not made available to staff, are of no value when managing the facility, training personnel or defending against litigation.

This section requires the facility administrator to implement facility policies and procedures that address, at a minimum, all standards applicable to the facility. The manual should contain everything required to efficiently and effectively operate the facility. While it can be helpful to review policies and procedures from other jurisdictions, the manual must relate to the operation of each individual facility.

If the department has only one facility, a single comprehensive manual will be sufficient. The manual may also consist of overall policies and procedures, plus a series of position orders designed to be used at the individual job sites within the facility. In multi-facility systems, differences in construction and facility operations generally make it difficult to apply a single manual to all the facilities. In those instances, there are still several common policies and department-wide procedures that provide organizational consistency.

There are several approaches to design procedures for a multi-facility system. One approach is to develop common policy and procedures for key areas that can be incorporated into the various facility manuals. This allows each facility to operate under its specific policy and procedures

manual while providing consistency in key procedures. Another method is to design a single division manual that contains policy and procedures that are utilized by all facilities. This manual is supplemented with individual facility manuals that are designed around the operation and architecture of each facility. Coordinating the design and procedures is critical in order to ensure that each facility operates as intended within the system.

Regardless of the approach used in the design of the manual, staff needs to be aware of it and familiar with its use. The manual must be available to staff in the facility. Providing each staff person with a copy of the manual may be excessive or too costly; however, a current and accurate manual must be available to staff in a location where it is readily accessible.

Policies and procedures must be reviewed at least annually to make sure they are current and appropriate. The facility manager is responsible for review and, when necessary, revision of the manual. There should be a policy and procedure that details how the annual review is accomplished, how to document that review and what areas were revised. There should also be a method to incorporate revisions whenever the need arises. Policies and procedures should be dated and signed each time they are revised. It is important that the manual reflects management intent and supervisory staff must monitor actual practice to assure consistency with written policies and procedures. The manual provides good supporting documentation in the event of litigation, provided it is reflected in actual practice.

In addition to assuring that staff has access to the manual, they should be encouraged to use it. Staff should be trained with regard to facility policies and procedures and briefed to the extent necessary when there are changes. The manual should be incorporated into training of new employees and they should be tested to assess what they learn. Staff must be aware that they are accountable for knowing and following the procedures in the manual.

#### **Section 1325. Fire Safety Plan.**

**The facility administrator shall consult with the local fire department having jurisdiction over the facility, or with the State Fire Marshal, in developing a plan for fire safety which shall include, but not be limited to:**

- (a) a fire prevention plan to be included as part of the manual of policy and procedures;**
- (b) monthly fire and life safety inspections by facility staff with two year retention of the inspection record;**
- (c) annual fire prevention inspections as required by Health and Safety Code Section 13146.1(a) and (b) which requires annual inspections;**
- (d) an evacuation plan; and documented fire drills not less than quarterly;**
- (e) a written plan for the emergency housing of minors in the case of fire; and,**

**(f) development of a fire suppression pre-plan in cooperation with the local fire department.**

**Guideline:** Facility administrators should consult with their local fire authority to develop a fire suppression pre-plan and monthly inspection schedule. A fire suppression pre-plan gives a fire department an established approach for fighting fire in an institution. Typically, the plan will include locations of hydrants, access doors, a map of the facility, etc. The **State Fire Marshal Regulation**, found in **Title 19, CCR**, recommend the same elements of preplanning as are recommended here and in **Penal Code Section 6031.1**. Since liability increases dramatically if there is failure to comply with this section, it is imperative that proper fire plans are developed and the necessary inspections conducted.

The fire suppression pre-plan element should include, but not be limited to, the following:

1. an indication from the fire department of what the normal fire equipment response will be to a first alarm of fire at the facility;
2. where the rolling stock (e.g., fire engines, trucks, etc.) will be strategically positioned to combat a fire;
3. the locations for fire department access to the secured portion of the facility;
4. personnel assignments to assist the fire department in gaining access to the various secured areas;
5. any internal equipment (e.g., hoses, standpipes, breathing apparatus, etc.) to which the fire department may need access; and,
6. protection of fire fighters, if necessary.

The fire prevention inspection requirement includes maintaining a record of annual inspections conducted by either the local fire department or the State Fire Marshal as required by **Health and Safety Code Section 13146.1**. The State Fire Marshal will make these inspections unless the local fire chief annually notifies the State Fire Marshal in writing that they will conduct the required inspection. The purpose of this inspection is to identify hazards that may cause fire or endanger lives, and to ensure their correction so that a "fire clearance" for the facility may be issued by the inspecting agency. This inspection should not be confused with the pre-fire suppression plan previously discussed. They are separate elements of a good emergency plan.

It is important to document the inspections of internal fire alarms, smoke detectors and other equipment more frequently than once a year. Routine maintenance checks will ensure that the equipment is in proper working order, and could save lives in the event of an emergency. It is the intent of this standard to ensure that juvenile facility staff completes a monthly safety inspection. The inspection includes: determining if fire extinguishers need to be serviced; assuring that doors function properly and that exit signs are illuminated; and, determining that hose nozzles are present.

Facilities need to have emergency procedures in place that outline the steps to be taken during and after a fire, with particular emphasis on emergency housing. The emergency plan must include: floor plans indicating evacuation routes; when and how exit keys are checked; procedures for checking exit locks; locations for housing minors; location of necessary security



equipment; and how emergency transportation is provided. As discussed in **Section 1324, Policy and Procedures Manual**, emergency procedures should be either a separate easily located section of the manual, or a separate document altogether.

#### **Section 1326. Security Review.**

**Each facility administrator shall develop policies and procedures to annually review, evaluate, and document security of the facility. The review and evaluation shall include internal and external security, including, but not limited to, key control, equipment, and staff training.**

**Guideline:** This section requires the facility administrator to develop and implement written policy and procedures for an annual review of facility security measures. This review must be documented, and is valuable for planning, budget requests and responding to lawsuits. It also provides a chronological record of facility security status and will be requested during Board of Corrections inspections. This standard provides for the safety of staff, minors and the community by preventing escapes and other incidents. Items included in the security review should be specific and unique to the facility operation, taking into consideration the requirements of the standards. Facility security includes, but is not limited to: contraband; physical counts of minors; searches; staffing; perimeter security, including fencing and lighting; and, vehicle security. The review should examine internal and external security, including: key control; equipment, training; firearms control; ammunition; duress alarm systems; chemical agents; and, mechanical restraint devices.

#### **Section 1327. Emergency Procedures.**

**The facility administrator shall develop facility-specific policies and procedures for emergencies that shall include, but not be limited to:**

- (a) escape, disturbances, and the taking of hostages;**
- (b) civil disturbance;**
- (c) natural disasters;**
- (d) periodic testing of emergency equipment;**
- (e) storage, issue and use of chemical agents, related security devices, and weapons and ammunition, where applicable; and,**
- (f) emergency evacuation of the facility.**

**Confidential policies and procedures that relate to the security of the facility may be kept in a separate manual.**

**Guideline:** The facility administrator must develop policy and procedures that allow facility staff to respond appropriately to emergencies. Staff need to know how to: respond to emergencies; available emergency response resources; movement of minors and staff; and requirements for documenting events.

The regulation also requires policy and procedures for testing emergency equipment. This includes: the emergency generator; fire alarms; smoke alarms; flashlights; air-packs (if required or available); hoses; and fire extinguishers. Emergency equipment should be tested monthly and air-packs should be tested per manufacturer's requirements.

Storage, issue and use of chemical agents security devices, weapons and ammunition become important during an emergency. Staff should know where to locate emergency munitions in the event they are required.

Coordination with responding agencies such as the police, sheriff, fire department, and paramedics is also an important aspect of the emergency plan and procedures. This extends beyond the coordination with the local fire authority, as discussed in **Section 1325, Fire Safety Plan**.

An evacuation plan is a critical component of emergency planning and should include routes of egress, together with transportation of minors and staff to a secure and safe location. To ensure confidentiality, consideration should be given to placing these policies and procedures in a separate manual (**Section 1324, Policy and Procedure Manual and Section 1325, Fire Safety Plan**).

## **Section 1328. Room Checks**

**The facility administrator shall develop policy and procedures that provide for direct visual observation of minors at least every 15 minutes during hours when minors are asleep or when minors are confined to their rooms. Supervision is not replaced, but may be supplemented by an audio/visual electronic surveillance system designed to detect overt, aggressive or assaultive behavior and to summon aid in emergencies. All safety checks shall be documented.**

**Guidelines:** To ensure the safety and security of minors, policies and procedures must require that 15-minute room checks be conducted whenever minors are confined to their sleeping rooms or dorms. When minors are under the constant direct visual supervision of staff during programming, head counts substitute for room checks; however, room checks must continue during group programming for those minor remaining in their rooms.

Room-check logs become critical documents in the event of an assault, serious incident or death of a minor. A written plan that includes documentation of room checks is critical. Pre-printed logs should not include the time that checks are scheduled. Logs should include the date, name of staff, actual time the check is performed, and any significant conditions that are observable.

Actual times and notation of observations should be handwritten in ink, if they are not documented electronically. Supervisors must regularly audit the logs to ensure appropriate compliance with policy.

This regulation calls for the direct visual supervision of minors. This means through the eyes of a person, not through the lens of a camera; audiovisual monitoring is not intended or acceptable. Staff must see each minor to assure that he/she is alive and not experiencing any observable trauma. Underlying this requirement is the expectation that staff will observe and respond appropriately to conditions. Monitoring devices can be effective and useful to supplement personal, direct visual supervision, but it is through personal supervision, observation and intervention that safety, order and control are maintained.